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Attorneys for the Plaintiff

FILED
Clerk
District Court

AUG 26 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

MICHAEL W. KENNEDY dba MKI
AIRCONDITIONING and
REFRIGERATION,

Plaintiff,

vs.

ROSALINA T. GABUTIN,
JOSEPH C. GABUTIN,
FELIX M. MENDIOLA,
LOURDES T. MENDIOLA,
JOAQUIN F. TUDELA, SR. and
EDITH C. TUDELA

Defendants

Civil Action No. CV-03-0016

DECLARATION IN SUPPORT OF
MOTION FOR AN ORDER
TO SHOW CAUSE

Date: SEP - 1 2005
Time: 9:30 Am
Judge: Alex R. Munson

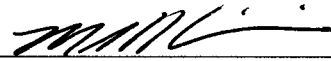
I, MARK K. WILLIAMS, declare under penalty of perjury as follows:

1. I am one of the attorneys for Plaintiff in the above referenced case.
2. The facts set forth in the attached Motion for Order to Show Cause in re:
Contempt are true and accurate to the best of my knowledge.
3. On August 20, 2004, the Court granted Plaintiff's Application for Writ of Execution, and directing said Writ of Execution to "create a lien and continuing levy upon real property, rents, payments, income and profits of Rosalina T. Gabutin, in an amount not exceeding \$88,926.67 plus accrued interest." *A true and correct copy of the August 20, 2004 Order is attached hereto as Exhibit 1.*

- 1 4. On or about June 16, 2004, Mr. Mongkeya entered into a lease agreement with
2 Rosalina Gabutin for Ms. Gabutin's house and lot (Lot No. 016 K 59) in Gatbu
3 Avenue, Dandan. Plaintiff believes that Mr. Mongkeya still occupies the house as
4 of this date.
- 5 5. On February 18, 2005, Mr. Mongkeya appeared before the Court after Plaintiff
6 filed a Motion for an Order in Aid of Judgment. At the hearing, the Court
7 determined that Mr. Mongkeya has an existing lease agreement with Rosalina
8 Gabutin.
- 9 6. Because Plaintiff has a lien on rental payments owing Ms. Rosalina Gabutin from
10 the property being leased to Mr. Mongkeya, the Court ordered Mr. Mongkeya to
11 a) pay Smith & Williams \$50.00 per month beginning March 1, 2005 for
12 arrearages owed on the rent in the amount of \$1,300.00; and b) pay Smith &
13 Williams the monthly rent of \$250.00 beginning March 1, 2005. *A true and*
14 *correct copy of the February 18, 2005 Order is attached hereto as Exhibit 2.*
- 15 7. On March 28, 2005, Mr. Mongkeya once again appeared before this Court as a
16 result of Plaintiff's Motion for an Order to Show Cause in re: Contempt for Mr.
17 Mongkeya's failure to obey the Court's order on February 18, 2005. The Court
18 ordered Mr. Palokoa Mongkeya to: a) pay Plaintiff, through the offices of his
19 attorney, Smith & Williams, the arrearages owed on the rent in installment
20 payments at a rate of \$50.00 per month on March 31, 2005; and b) to pay Plaintiff,
21 through the offices of its attorney, Smith & Williams, the monthly rent of \$250.00
22 on March 31, 2005. *A true and correct copy of the March 28, 2005 Order is*
23 *attached hereto as Exhibit 3.*
- 24 8. Mr. Mongkeya failed to obey this Court's order in that he failed to make payments
25 for the months of June, July and August, 2005.

1 I declare under penalty of perjury that the foregoing is true and correct and
2 that this Declaration was executed on August 25, 2005, at Garapan, CNMI

3
4 Date: August 25, 2005



MARK K. WILLIAMS
Declarant

COPY of
Original Filed
on this date

AUG 20 2004

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FILE NO. 04-1963

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Clerk
District Court
for The Northern Mariana Islands

Attorneys for the Plaintiff

BOOK 12 PAGE 120
COMMONWEALTH RECORDER

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

MICHAEL W. KENNEDY dba MKI
AIRCONDITIONING and
REFRIGERATION,

Plaintiff,

vs.

ROSALINA T. GABUTIN,
JOSEPH C. GABUTIN,
FELIX M. MENDIOLA,
LOURDES T. MENDIOLA,
JOAQUIN F. TUDELA, SR. and
EDITH C. TUDELA,

Defendants

Civil Action No. CV- 03-0016

ORDER AFTER HEARING

On August 20, 2004, at 10:00 a.m. this matter came for a hearing on Plaintiff's Motion for an Order in Aid of Judgment and Application for Writ of Execution. Plaintiff was represented in Court by Mark K. Williams. Defendant Rosalina T. Gabutin failed to appear.

Pursuant to Fed.R.Civ.P. Rule 69(a), Plaintiff seeks the issuance of a Writ of Execution against real properties owned by Defendant Rosalina T. Gabutin, including the rents, payments, income or profits due to Defendant Rosalina T. Gabutin, and directing the said Writ of Execution to create a lien upon and continuing levy upon such real property, rents, payments, income and profits in an amount not exceeding \$88,926.67, plus interest of 9% per annum beginning November 26, 2003, until the judgment entered

EXHIBIT 1

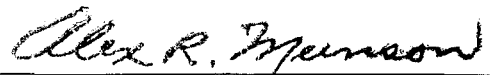
1 in this matter and the associated expenses of the Writ of Execution thereof are fully
2 satisfied or until the same is modified, and for such other and further relief as may be just.

3 GOOD CAUSE HAVING BEEN SHOWN, the Court hereby grants Plaintiff's
4 Application for Writ of Execution. The Court further Orders that, effective immediately,
5 Plaintiff shall receive directly all payments owed under the Deed of Sale entered into
6 between Ms. Rosalina Tudela Gabutin and Mr. Gregorio Sablan Arriola, dated May 6,
7 2004, and Recorded in the CNMI Recorders Office as File No. 04-1641. Said payments
8 shall be made by Mr. Gregorio Sablan Arriola, his heirs or assignees to Plaintiff's
9 Counsel, the Law Offices of Smith & Williams, in Trust for Michael W. Kennedy.

10 The District Court for the Northern Mariana Islands shall have continuing
11 jurisdiction over this matter to enforce any and all terms and conditions set forth in this
12 Order.

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14 SO ORDERED.

15 Date: AUG 20 2004

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18 ALEX R. MUNSON
19 Chief Judge
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**COPY of
Original Filed
on this date**

03/20/05

**Clerk
District Court
for The Northern Mariana Islands**

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4 Attorneys for the Plaintiff
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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE**
NORTHERN MARIANA ISLANDS

10 MICHAEL W. KENNEDY dba MKI)
AIRCONDITIONING and)
11 REFRIGERATION,)

Civil Action No. CV- 03-0016

12 Plaintiff,)

ORDER AFTER HEARING

13 v.)

14 ROSALINA T. GABUTIN, *et al*,)

15 Defendants.)
16

17 This matter came regularly for a hearing on Plaintiff's motion for an order in aid of
18 judgment on February 18, 2005, before the Honorable Alex R. Munson, Chief Judge
19 presiding. Plaintiff was represented in Court by Eric S. Smith. Defendants Felix Mendiola
20 and Lourdes Mendiola were represented by Vicente Torres. No appearance was made by any
21 other defendant.

22 After receiving evidence through the testimony of Paloloa Mongkeya, the Court
23 makes the following findings and order:

24 THE COURT FINDS that Mr. Paloloa Mongkeya is the lessee of demised property
25 located at Tasi Street and Garbu Avee Dan Dan, Saipan, owned by Defendant Rosalina
26 Gubutin,

27 THE COURT FURTHER FINDS that Mr. Paloloa Mongkeya has a rental agreement
28 with Defendant Rosalina Gubutin to pay rent on the demised property in the amount of

EXHIBIT 2

1 \$250.00 per month.

2 THE COURT FURTHER FINDS that Mr. Paloloa Mongkeya owes arrearages for
3 rent on the demised property in the amount of \$1,300.00.

4 GOOD CAUSE HAVING BEEN SHOWN, the Court orders that Mr. Paloloa
5 Mongkeya pay Plaintiff, through the offices of his attorney, Smith & Williams, the
6 arrearages owed on the rent in the amount of \$1,300.00 in installment payments at a rate of
7 \$50.00 per month commencing March 1, 2005.

8 THE COURT FURTHER ORDERS that Mr. Paloloa Mongkeya pay Plaintiff,
9 through the offices of its attorney, Smith & Williams, the monthly rent of \$250.00
10 commencing on March 1, 2005.

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12 SO ORDERED.

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14 Date: 2-22-05

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ALEX R. MUNSON
Chief Judge

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8 UNITED STATES DISTRICT COURT
FOR THE
9 NORTHERN MARIANA ISLANDS

10 MICHAEL W. KENNEDY dba MKI)
AIRCONDITIONING and)
11 REFRIGERATION,)

12 Plaintiff,)

13 v.)

14 ROSALINA T. GABUTIN, *et al*,)

15 Defendants.)

Civil Action No. CV- 03-0016

ORDER AFTER HEARING

16
17 3/31/05 This matter came regularly for a hearing on Plaintiff's motion for an order to show
18 cause re contempt on March 28, 2005, before the Honorable Alex R. Munson, Chief Judge
19 presiding. Plaintiff was represented in Court by Eric S. Smith. Paloloa Mangkeya was
20 present in *pro se*. No appearance was made by any defendant.

21 Mr. Mongkeya and the Plaintiff entered into a stipulation which was orally stated in
22 court by Plaintiff and acknowledge by Mr. Mongkeya, that Mr. Mongkeya would pay the rent
23 and arrearages that the court had ordered to be paid to Plaintiff commencing on March 1,
24 2005, on or before March 31, 2005. After receiving the stipulation, the Court makes the
25 following orders:

26 GOOD CAUSE HAVING BEEN SHOWN, the Court orders that Mr. Paloloa
27 Mongkeya pay Plaintiff, through the offices of his attorney, Smith & Williams, the arrearages
28 owed on the rent in installment payments at a rate of \$50.00 per month on March 31, 2005.

EXHIBIT 3

1 THE COURT FURTHER ORDERS that Mr. Paloloa Mongkeya pay Plaintiff,
2 through the offices of its attorney, Smith & Williams, the monthly rent of \$250.00 on March
3 31, 2005.

4 THE COURT FURTHER ORDERS Should the rent not be paid on or before March
5 31, 2005, this matter shall be reset on the calendar by notice without the Plaintiff filing a
6 motion or a declaration.

7 All other orders made by the court shall remain in effect.

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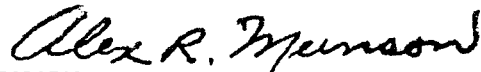
9 SO ORDERED.

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11 Date: 3-28-05

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ALEX R. MUNSON
Chief Judge

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